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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tadahiro Naitoh

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OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

TOPGYAL, GELEK W

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

05/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,574	<b>Applicant(s)</b> NAITOH, TADAHIRO	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/25/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 3/31/2008 have been fully considered but they are not persuasive.

3. In re pages 8-11, the applicants present the argument that the system of Frimout fails to teach the newly added limitations to independent claims 1 and 13. To support their argument, the applicants extensively cite limitations from their specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "E1, E2, E3 and E4", "user information UF", "recording information RFj", "time-shift data TSD", "image recording data RCD" for a "normal image recording mode that is not the time-shift recording mode", "one file information Fi", "used address are UAD", "end sign ES is information to be written when recording ... corresponding file is completed", "file

information identifier UFC", "scheduling information is not retained due to the interruption of the power supply ... scheduling information in the recording medium that is retained regardless of the power failure ..." ) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In re pages 11-12, the applicants argue that Frimout fails to teach the feature of "a recovering step for terminating a recording data into the retrieved file as a file of fixed length so as to be readable and writable, if the interruption of the power supply is detected in said power interruption detection step: and "wherein each of said files of fixed length is associated with address information in the recording media and the scheduling information for scheduling said recording operation".

5. In response, it is noted that the proposed combination Frimout in view of Kweon meets the limitations as presented below in the rejection of amended claims 1 and 13.

### ***Claim Objections***

6. **Claims 1 and 13** are objected to because of the following informalities: Pages 2 and 6, respectively, recites "said files of fixed length is associated with address information in the recording media". There is no antecedent basis for "recording media". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frimout (US 7,017,078) in view of Kweon (US 7,116,889).

**Regarding claim 1**, Frimout teaches the claimed image recording apparatus, comprising:

a recording portion being supplied with power to record at least digital image information in a recording medium by files of fixed length (Fig. 1, Disc 20 and disc drive unit 11 allows for recording onto the Disc 20); and

a control unit operating when being supplied with said power to control said recording portion (Disc drive unit 11 controls operations of the optical disc player/recorder),

wherein said control unit comprises

recovery means for controlling said recording portion (Fig. 1, recovery control section 13), when a power supply to said control unit is started and if a previous power supply is found to be interrupted during a recording operation (col. 5, lines 5-58 teaches that a recording operation can be recovered due to an interruption in the power supply), to retrieve a file (met by 1) a video cell C1 to Cn (GOPs), 2) a chapter or 3) the video or audio title set as discussed in paragraph between col. 3 and 4) having been recorded at the interruption of the power supply from said files and terminate a process of recording

data into the retrieved file as a file of fixed length (met by 1) a video cell C1 to Cn (GOPs), 2) a chapter or 3) the video or audio title set as discussed in paragraph between col. 3 and 4. Col. 4, lines 26-30 and lines 65-67 teaches that each of the recovery sections of video cells C1 to Cn have a fixed length of 2048 bytes) so as to be readable and writable (met by the ability of Frimout to recover a recording operation as discussed above. Specifically, in col. 5, lines 39-41 teaches wherein recovery is complete after the power failure to be able to clear or reset the recording flag 121 stored in NVRAM 12, thereby completing (recording) a particular a video cell C1 to Cn (GOPs), a chapter or the video or audio title set. Therefore the ability of Frimout to complete the recording procedure will thereby “terminate a process of recording” so that each of “files of Frimout” can be readable. It should be noted that the *entire content* of the “files of Frimout” is not readable due to a power failure, however, these “files of Frimout” are completely recorded the next time the system receives power, and therefore, the *entire content* of the “files of Frimout” are readable), and

wherein each of said files of fixed length is associated with address information in the recording media (an inherent feature of the video files recorded by the system of Frimout. The DVD format, as an example, records the address information of each of the Video Object Units (see Fig. 3), which includes cells C1-Cn (file of fixed length), in Title Set Pointer data). However, Frimout fails to particularly teach wherein scheduling information for scheduling said recording operation by said recording portion.

In an analogous art, Kweon teaches the claimed in col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to store scheduling information for scheduling recording operations as taught by Kweon into the system of Frimout so that scheduled recordings are retained even after a power failure/interruption.

The motivation to combine is clear in Kweon, in col. 6, lines 45-51, of the necessity for a system to reduce the loss of the real-time function such as the user's reserved recordings due to power failure.

**Regarding claim 2**, Frimout teaches the claimed wherein said control unit further comprises:

flag setting means for setting a pre-prepared flag during a period in which power is supplied to said recording portion (col. 4, lines 8-12 teaches wherein when the power is supplied the recording flag 121 is set), and for resetting said pre-prepared flag when power to said recording portion is interrupted (col. 5, lines 5-25 teaches that recording flag 121 is checked for power failure), and

power interruption detecting means for detecting, when a power supply to said control unit is started and if said flag is determined to be set, an interruption of a previous power supply during a recording operation (col. 5, lines 5-25 teaches that after power resumes, and the recovery control section 13 detects that the recording flag 121 is set, it determines that a power interruption has occurred).

**Regarding claims 3 and 4**, Frimout teaches the claimed wherein recorded contents of said recording medium are retained after the interruption of the power supply (col. 5, lines 5-57 discusses where the previously recorded portions until the

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interruption of the power supply is searched, therefore, the contents are retained), said control unit further including an information storing portion retaining pre-recorded information during a period in which power is supplied to said control unit (col. 5, lines 5-57 discusses where the previously recorded portions until the interruption of the power supply is searched, therefore, the contents are retained).

However, Frimout fails to teach wherein said control unit further including:

scheduling information recording means for accepting the scheduling information and recording the accepted scheduling information in said recording medium and in said information storing portion, and

supply start time recording means for recording said scheduling information read from said recording medium in said information storing portion, when a power supply to said control unit is started, and

said scheduling information includes scheduling period data for scheduling a period of said recording operation,

said control unit further comprising a real time clock measuring real time, wherein when a power supply to said control unit is started and if the real time measured by said real time clock is in a scheduling period indicated by said scheduling period data of said scheduling information recorded in said information storing portion by said supply start time recording means, said control unit causes said recording portion to resume said recording operation based on said scheduling information.

In an analogous video recording art, Kweon teaches the claimed control unit further including:

scheduling information recording means for accepting scheduling information for scheduling said recording operation by said recording portion (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204) and recording the accepted scheduling information in said recording medium and in said information storing portion (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204, and furthermore the recording operation takes place at the time of the reserved recording information), and

supply start time recording means for recording said scheduling information read from said recording medium in said information storing portion, when a power supply to said control unit is started (col. 4, lines 31-40 teaches that users can reserve recordings and store them in flash memory 204, and furthermore the recording operation takes place at the time of the reserved recording information), and

said scheduling information includes scheduling period data for scheduling a period of said recording operation (the reserved recording operation as discussed above),

said control unit further including a real time clock measuring real time (Figs. 4a-6a teaches a present time), wherein when a power supply to said control unit is started and if the real time measured by said real time clock is in a scheduling period indicated by said scheduling period data of said scheduling information recorded in said information storing portion by said supply start time recording means (col. 5, lines 21-34 and lines 59-64 teaches wherein after power supply is applied, it determines using the present time and reserved recording information stored to determine whether recording should

be continued), said control unit causes said recording portion to resume said recording operation based on said scheduling information (as discussed above, after the power supply is applied and the present time is within the range of the reserved recording time, the recording is continued (col. 5, lines 59-64)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to schedule recordings and to continue the recording of scheduled recordings according to the schedule as taught by Kweon into the system taught by Frimout so that scheduled recordings are retained even after a power failure/interruption.

The motivation to combine is clear in Kweon, in col. 6, lines 45-51, of the necessity for a system to reduce the loss of the real-time function such as the user's reserved recordings due to power failure.

**Regarding claim 5**, the system of Frimout teaches the claimed wherein said recording medium is a hard disk (Fig, Disk 20 or the like).

**Regarding claim 6**, the system of Frimout teaches the claimed further comprising a playback portion playing back and outputting the recorded contents of said recording medium (as discussed in claim 1 above, disk drive unit 11 can reproduce information stored on Disc 20 or the like).

**Regarding claim 7**, the system of Frimout teaches the claimed wherein power is supplied from a commercial power source, and the power supply from said commercial power source is interrupted by a power failure (it is an inherent that power supplied to homes originate from third party power supplying companies (commercial power

source) and since these companies are the providers, a power failure to the instant invention will be from the power supplying companies).

**Claims 8-12** are rejected for the same reasons as discussed above in claims 3-7, respectively.

**Method claim 13** is rejected for the same reasons as discussed in apparatus claim 1 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621